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7 Attorneys for Plaintiffs  
8 Rebecca Padilla and Kimberly Owens

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11

12 REBECCA PADILLA and  
13 KIMBERLY OWENS, individually,  
and on behalf of a class of similarly  
14 situated individuals,

15 Plaintiffs,

16 v.

17 THE WHITEWAVE FOODS  
COMPANY dba WHITEWAVE  
18 SERVICES, INC., a Delaware  
corporation; DANONE US, LLC, a  
19 Delaware limited liability company;  
and DANONE NORTH AMERICA,  
20 LLC, a Delaware limited liability  
company,

21 Defendants.  
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Case No.: 2:18-cv-09327-JAK-JC

Hon. John A. Kronstadt

**JOINT STIPULATION TO AMEND  
COMPLAINT TO NAME PROPER  
DEFENDANTS AND DISMISS  
IMPROPERLY NAMED  
DEFENDANTS WITHOUT  
PREJUDICE**

Complaint Filed: October 31, 2018  
Trial Date: None Set

1 Plaintiffs REBECCA PADILLA and KIMBERLY OWENS, individually  
2 and on behalf of a class of similarly situated individuals (“Plaintiffs”) and  
3 Defendants THE WHITEWAVE FOODS CO. d/b/a WHITEWAVE SERVICES,  
4 INC.; DANONE US, LLC; and DANONE NORTH AMERICA, LLC  
5 (“Defendants”), by and through their respective undersigned counsel, hereby  
6 stipulate and agree to the following:

7 **WHEREAS**, on October 31, 2018, Plaintiffs filed the above-captioned  
8 class action lawsuit (the “Action”) alleging various consumer protection claims  
9 against Defendants;

10 **WHEREAS**, on December 21, 2018, Defendants’ counsel informed  
11 Plaintiffs’ counsel that the currently-named Defendants are indirect affiliated  
12 companies which do not directly manufacture, distribute, or sell the Vega products  
13 at issue in Plaintiffs’ complaint, and that the proper defendants are Sequel  
14 Naturals ULC and Vega US, LLC;

15 **WHEREAS**, as a result of those discussions and representations made by  
16 Defendants, Plaintiffs have agreed to dismiss The WhiteWave Foods Co. d/b/a  
17 WhiteWave Services, Inc., Danone US, LLC, and Danone North America, LLC  
18 without prejudice from this Action but reserve their right to subsequently rename  
19 any or all of those entities as a party to this Action, if appropriate or necessary;

20 **WHEREAS**, no consideration, direct or indirect, has been or will be given  
21 for the dismissal;

22 **WHEREAS**, Sequel Naturals ULC, and Vega US, LLC by and through  
23 their counsel, has confirmed that they are the properly named defendants in this  
24 Action; and

25 **WHEREAS**, nothing in this Stipulation is intended to constitute or imply  
26 any admission of liability or wrongdoing by any party in the Action.

27 The Parties, **THEREFORE**, agree and stipulate to the following, subject to  
28 the Court’s approval:

- 1           1.     The WhiteWave Foods Co. d/b/a WhiteWave Services, Inc., Danone
- 2                 US, LLC, and Danone North America, LLC are dismissed without
- 3                 prejudice from this Action; and
- 4           2.     Plaintiffs shall file an amended complaint on or before January 25,
- 5                 2019, to add Sequel Naturals ULC and Vega US, LLC as defendants.

6           Dated: January 15, 2019

7                                 Respectfully submitted,

8                                 Capstone Law APC

9   By:       /s/ Tarek H. Zohdy      

10   Tarek H. Zohdy

11   Trisha K. Monesi

12   Cody R. Padgett

13   Attorneys for Plaintiffs

14           Dated: January 15, 2019

15                                 DLA PIPER US LLP

16   By:       /s/Angela C. Agrusa      

17   Angela C. Agrusa

18   Attorneys for Defendants

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